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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/807,238

03/24/2004

Nobutaka Okuyama

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04/17/2008

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

ALAM, MUSHFIKH I

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

04/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,238	Applicant(s) OKUYAMA ET AL.	
	Examiner MUSHFIKH ALAM	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/5/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/24/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 6, 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf (US 6483986) in view of Karaoguz et al. (US 2004/0117836).

Claim 6, Krapf teaches a transmission and reception apparatus which operates to receive a video signal and transmit it to an external device, comprising:

- a reception device (24) configured to receive a video signal (col. 3, lines 30-41);
- a recording device (2) selectable to effect recording of the video signal received by the reception device (fig. 2; col. 3, lines 47-57);
- an output device configured to output the video signal to display a signal received by the reception device (col. 3, line 65-col. 4, line 3); and
- an input unit responsive to user manipulation (pause or request to view alternative subject matter data) (col. 4, lines 15-26),
- wherein, based on user manipulation (request for alternative subject matter data) from the input unit, the recording device starts recording the video signal received by the reception device after said user manipulation and the output device stops outputting the video signal (first content, 12) (col. 4, lines 15-46); and
- the recording device stops recording the video signal (i.e. when program is finished recording or when the watching point coincides with the recording point (col. 5, lines 8-16).

Krapf is silent regarding a transmission and reception apparatus which operates to receive a video signal and transmit it to an external device, comprising:

- a transmission system selectable to effect transmission of the video signal recorded by the recording device to the external device via a network;
- wherein, in response to a request from the external device, the video signal recorded by the recording device and the information of the video signal for use in recording a video signal broadcasted after receiving the request are transmitted to the external device and the recording device stops recording the video signal.

Karaoguz teaches a transmission and reception apparatus which operates to receive a video signal and transmit it to an external device, comprising:

- a transmission system (communication network) selectable to effect transmission (push to other devices) of the video signal recorded by the recording device to the external device via a network (fig. 1a; paragraph [0096]);
- wherein, in response to a request from the external device (requested by users), the video signal recorded by the recording device and the information of the video signal (bookmarks of Krapf, col. 5, lines 35-42) for use in recording a video signal broadcasted after receiving the request are transmitted to the external device (sharing media) (paragraphs [0094], [0096]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided media exchange across a network as taught by Karaoguz to the system of Krapf because it is desirable to be able to distribute many types of digital media in a user-friendly manner.

Claim 17, Karaoguz teaches the transmission and reception apparatus wherein the request from the external device is a request to time shift watch (previously recorded program) the video signal recorded by the recording device at the external device (paragraphs [0094], [0096]).

Claim 18, Krapf teaches the transmission and reception apparatus wherein the information of the video signal comprises channel information (alternative subject matter) of the video signal (col. 6, lines 38-53).

Claim 19 is analyzed as a method of claim 6.

Claim 20 is analyzed as a method of claim 17.

Claim 21 is analyzed as a method of claim 18.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA
4/8/2008

/Annan Q Shang/
Primary Examiner, Art Unit 2623